

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)	CR No.: 0:09-1021-JFA
)	
v.)	ORDER
)	
DAVID LEE CRADLE, JR.)	
)	
)	

The defendant has recently filed a *pro se* motion to vacate or correct his sentence under 28 U.S.C. § 2255. Previously, this court informed the defendant in an order that it intended to recharacterize his earlier motion to correct his sentence under 18 U.S.C. § 3582 as one under § 2255. The court also appointed a Federal Public Defender to represent the defendant for the purposes of filing a § 2255 motion. (*See* ECF No. 370).

The defendant responded to the court's order requesting an extension of time to file a § 2255 motion. At the same time, the Federal Public Defender's office filed a motion to extend time as well, which the court granted. On March 7, 2013, the defendant filed his original *pro se* § 2255 motion, and the memorandum in support was filed on March 13, 2013.

On March 18, 2013, the defendant wrote the court indicating that he does not want appointed counsel to remove any of the contents of his *pro se* § 2255 petition. The defendant also remarks that he wants a "right of refusal if counsel submits anything of her own volition or in my name without my approval and signature to verify my endorsement of said submission." Ms. Evatt, the Assistant Federal Public Defender appointed to represent the

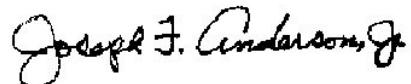
defendant on this matter, has indicated to the court that she is happy to assist the defendant, but that he seems to not want any assistance. In light of the defendant's letter, the court will respectfully withdraw Ms. Evatt as counsel for the defendant on this matter so that the defendant may proceed on a *pro se* basis. The defendant is hereby allowed to proceed *in forma pauperis*.

If no transcript is required, the United States Attorney shall file an answer or other pleading within thirty (30) days from the date of the filing of this order. If, on the other hand, a transcript is required, the United States Attorney shall immediately request a transcript from the Court Reporter and shall file an answer or other pleading within thirty (30) days from his or her receipt of the transcript.

The petitioner is ordered always to keep the Clerk of Court advised **in writing (901 Richland Street, Columbia, South Carolina 29201)** if his address changes for any reason, to assure that orders or other matters that specify deadlines for him to meet will be received by him. If as a result of his failure to comply with this Order, the petitioner fails to file something he is required to file within a deadline set by a District Judge or a Magistrate Judge, **the case may be dismissed for violating this Order**. Therefore, if the petitioner has a change of address before this case is ended, he must comply with this Order by immediately advising the Clerk of Court in writing of such change of address. Failure to do so will not be excused by the court.

The defendant is advised to put this Order with his case records so that he will not overlook his duty. If an attorney serves him by mail on behalf of a defendant or a respondent, the defendant also has a duty to notify that attorney if his address is to be changed for mail purposes.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

March 20, 2013
Columbia, South Carolina